

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION

IN RE: RANDY HAROLD BAKER

#15-33764-SHB

Chapter 13

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at US Bankruptcy Court 800 Market St. Ste. 330 Knoxville, TN 37902 an objection within thirty (30) days from the date this paper was filed and serve a copy on the Chapter 13 Trustee, PO Box 228, Knoxville, TN 37901 and the debtor(s)' attorney, Richard M. Mayer and/or John P. Newton, 1111 Northshore Dr. S-570, Knoxville, TN 37919-. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

OBJECTION BY CHAPTER 13 TRUSTEE TO PROOF OF CLAIM  
FILED BY REVERSE MORTGAGE SOLUTIONS INC.

The debtor(s)' confirmed plan provides that the claim of REVERSE MORTGAGE SOLUTIONS INC. filed on 05/11/2016 in the amount of \$102,920.71 is to be paid directly by the debtor. However, the Chapter 13 Trustee does not seek to disallow the claim; or avoid the lien status, if any, of this creditor. Since 11 U.S.C. §1327 provides that the terms of a confirmed plan bind creditors, the Chapter 13 Trustee submits that she has no authority to pay this claim. The Chapter 13 Trustee, therefore, moves the Court for an Order directing no payments be made on this secured claim by the Trustee as this is a claim to be paid directly by the debtor per the confirmed plan.



SUBMISSION AND CERTIFICATE OF SERVICE BY CHAPTER 13 TRUSTEE

Based on information and belief, the Chapter 13 Trustee hereby certifies the correctness of the facts contained in this Objection, Notice and Proposed Order and hereby certifies that a true and exact copy of the same has been serviced by electronic mail and/or by first class United States mail postage prepaid on the following individuals as addressed below this 16th day of May 2016.

/s/ Gwendolyn M. Kerney (by ml w/perm)  
GWENDOLYN M. KERNEY, #07280  
Chapter 13 Trustee  
PO Box 228  
Knoxville, TN 37901  
(865) 524-4995

RANDY HAROLD BAKER/ , DEBTOR(S)  
353 POPLAR GROVE ROAD  
HARROGATE, TN 37752

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RICHARD M. MAYER AND/OR JOHN P. NEWTON  
LAW OFFICES OF MAYER & NEWTON  
1111 NORTSHORE DR. S-570  
KNOXVILLE, TN 37919-

UNITED STATES TRUSTEE  
800 MARKET STREET SUITE 114  
KNOXVILLE, TN 37902

REVERSE MORTGAGE SOLUTIONS INC.  
14405 WALTERS ROAD SUITE 200  
HOUSTON, TX 77014

S. KEITH EADY, ATTORNEY  
ROCO LEGAL PS  
2970 CLAIRMONT ROAD NE SUITE 780  
ATLANTA, GA 30329

JOEL W. GIDDENS, ATTORNEY  
WILSON & ASSOCIATES, PLLC  
5050 POPLAR AVENUE SUITE 115  
MEMPHIS, TN 38157

ANGELA BOYD MATHEWS, ATTORNEY  
WILSON & ASSOCIATES, PLLC  
1521 MERRILL DRIVE, SUITE D-220  
LITTLE ROCK, AR 72211

LORI LYNN MCGOWAN, ATTORNEY  
ROCO LEGAL PS  
2970 CLAIRMONT ROAD NE, SUITE 780  
ATLANTA, GA 30329

ANGELA BOYD MATHEWS, ATTORNEY  
JOEL W. GIDDENS, ATTORNEY  
BRANDON D. SIZEMORE, ATTORNEY  
WILSON & ASSOCIATES, PLLC  
320 NORTH CEDAR BLUFF ROAD, STE. 240  
KNOXVILLE, TN 37923

JOEL W. GIDDENS, ATTORNEY  
WILSON & ASSOCIATES, PLLC  
5050 POPLAR AVENUE, SUITE 1015  
MEMPHIS, TN 38157



3:15-bk-33764

12. **MORTGAGE CLAIMS:** Mortgage lien holders shall file claims per applicable Federal Rules of Bankruptcy Procedure (FRBP), including but without limitation, Rules 3001 and/or 3002.1. Claims shall be administered and paid by the Trustee in accordance with said rules, absent objection. Mortgage creditors receiving maintenance installments hereunder shall be paid the monthly mortgage installment payment per the claim; and the pre-petition mortgage arrearage claim amount shall be paid in equal monthly installments over the life of the plan unless a greater amount is specified. Creditors filing mortgage claims secured by debtor(s) principal residence shall file: Mortgage Proof of Claim Attachment B10 (Attachment A); Notice of Mortgage Payment Changes on Form B10 (Supplement 1); and Notice of Post-Petition Mortgage Fees, Expenses, and Charges on Form B10 (Supplement 2). The Trustee shall pay any Notice of Payment Change filed per FRBP 3002.1(b) as of its effective date, absent or until resolution of any objection to the same. The Trustee shall pay any Notice of Post-Petition Mortgage Fees, Expenses and Charges filed per FRBP 3002.1(c), absent or until resolution of an objection or motion filed per FRBP 3002.1(e) to determine the validity of the fees, expenses and charges.
- (A) **PRINCIPAL RESIDENCE SECURED MORTGAGE(S) PER (11 U.S.C. §1322(b)(5)):** The debtor(s) own principal residential real property located at 353 Poplar Grove Road, Harrogate, TN 37752, which is subject to a **first mortgage lien** in favor of CitiMortgage / Reverse Mortgage Solutions whose estimated monthly mortgage payment is \$0.00; and the estimated pre-petition mortgage arrearage is \$0.00, which shall be paid in monthly installments of \$0.00 at 0% interest. This mortgage shall be paid \_\_\_ by the Trustee; or, ☒ **directly REVERSE MORTGAGE.** The foregoing lien shall survive the plan.
- (B) **SECURED LONG-TERM MORTGAGE(S) OTHER THAN PRINCIPAL RESIDENCE:** N/A
- (C) **STRIPPED MORTGAGE(S)/JUDGMENT LIEN(S):** N/A
- (D) **MORTGAGE(S)/JUDGMENT LIEN(S) TO BE PAID IN FULL OVER PLAN TERM:** The debtor(s) own real property located at Adjacent Lot located at 335 Poplar Grove Road, Harrogate, TN, which is subject to a mortgage and/or judgment lien in favor of Cynthia Staten Runyon. The balance is estimated at \$3,208.00; however, the actual principal balance per the claim shall be paid in full over the plan term in monthly installments of \$63.00 at 6% interest. The lien shall be released by the creditor not later than 30 days after completion of the plan and discharge of the debtor(s).
13. **NON-PRIORITY UNSECURED CREDITORS** shall be paid pro-rata by the Trustee on a funds available basis which may exceed, but will not be less than the following dividend range: \_\_\_ 0%; ☒ 1% - 5%; \_\_\_ 6% - 20%; \_\_\_ 21% - 70%; \_\_\_ 71% - 100%; or \_\_\_ 100%
14. **COSIGNED DEBT:** The following cosigned claims shall be paid by the Trustee in full at the claim contract rate of interest not to exceed 24% interest for the full protection of co-debtor(s):
- | <u>Creditor</u> | <u>Approximate Balance</u> | <u>Monthly Payment</u> |
|-----------------|----------------------------|------------------------|
| N/A             |                            |                        |
15. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES:** Except for the following which are assumed, all executory contracts and unexpired leases are rejected with any claim arising from rejection to be paid as unsecured.  
Assumed contracts, as follows, and are to be paid outside the plan, directly by the debtors: N/A
16. **QUALIFIED RETIREMENT AND/OR PENSION** loans or claims shall be paid directly by debtor(s) pursuant to the terms of plan administration with no payments by the Trustee.
17. **\*SPECIAL PROVISIONS: \*Newport Federal Bank:** See paragraph #9 above. The real property is **SURRENDERED IN FULL SATISFACTION** of the Debt and Upon Entry of an Order Confirming this Chapter 13 Plan, the property at Two Homes: 3132 & 3134 School St., White Pine, TN 37890, shall be vested in Newport Federal Bank. This vesting shall include all of Debtors legal and equitable rights.



Fill in this information to identify the case:

Debtor 1 Randy Harold Baker

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Tennessee  
(State)

Case number 3:15-bk-33764-SHB

## Official Form 410

## Proof of Claim

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

### Part 1: Identify the Claim

1. Who is the current creditor?	Reverse Mortgage Solutions, Inc.  Name of the current creditor (the person or entity to be paid for this claim) ** See attached for Basis for asserting that the applicable party has the right to foreclose Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>  Reverse Mortgage Solutions, Inc. Name <u>14405 Walters Road, Suite 200</u> Number Street  Street 2 <u>Houston TX 77014</u> City State ZIP Code  Contact phone <u>866-503-5559</u>  Contact email _____  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b>  Reverse Mortgage Solutions, Inc. Name <u>14405 Walters Road, Suite 200</u> Number Street  Street 2 <u>Houston TX 77014</u> City State ZIP Code  Contact phone <u>866-503-5559</u>  Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>6</u> <u>0</u> <u>4</u> <u>6</u>
7. How much is the claim?	<u>\$ 102,920.71</u> . Does this amount include interest or other charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  <u>Money Loaned</u>
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property.  <b>Nature of property:</b> <input checked="" type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> <u>Deed of Trust/Mortgage</u> Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  <b>Value of property:</b> <u>\$ Unknown at this time</u> <b>Amount of the claim that is secured:</b> <u>\$ 102,920.71</u> <b>Amount of the claim that is unsecured:</b> <u>\$ 0.00</u> (The sum of the secured and unsecured amounts should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> <u>\$ 847.00</u>  <b>Annual Interest Rate</b> (when case was filed) <u>3.1940</u> % <input type="checkbox"/> Fixed <input checked="" type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☐ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 5/11/2016  
MM / DD / YYYY

/s/ S. Keith Eady

Signature

Print the name of the person who is completing and signing this claim:

Name S. Keith Eady  
First name Middle name Last name

Title Attorney for Creditor

Company RCO Legal, P.S. RCO File Number: 225100  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 2970 Clairmont Road NE, Suite 780  
Number Street

Atlanta GA 30329  
City State ZIP Code

Contact phone 404-486-2386 Email keady@rcolegal.com